

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

LINDA DEATON,

Plaintiff,

vs.

CHEVY CHASE BANK,  
a corporation, BANK ONE,  
a corporation, and JANE  
DOES 1-10 and JOHN DOES  
1-10, DOE CORPORATION 1-10,  
and DOE GOVERNMENTAL  
ENTITIES 1-10,

Defendants.

CIVIL NO. 01-352 SPK/BMK

VOLUME VI  
(Pages 1 - 135)

TRANSCRIPT OF PROCEEDINGS

The above-entitled matter came on for FURTHER  
JURY TRIAL commencing at 9:45 a.m. on Monday, April  
21, 2003, Honolulu, Hawaii,

BEFORE: HONORABLE SAMUEL P. KING

United States District Judge

District of Hawaii

REPORTED BY: LISA J. GROULX, COURT REPORTER

Notary Public, State of Hawaii

LISA GROULX & ASSOCIATES

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1 the bank's duty, under the law, to do the  
2 investigation when they got the notice from Credit  
3 Bureau of the Pacific.

4 Now we know that, again, if we look at that  
5 letter, this is the -- don't know why that's  
6 highlighted, but this is the letter back. So I think  
7 that either they -- I think that establishes the third  
8 element. And then the fourth element is that the  
9 defendants were either negligent or willful when they  
10 failed to investigate or reinvestigate the dispute.

11 Well, we look at the jury instructions here  
12 again, number 20, and it says that the duty is to  
13 conduct an investigation with respect to the disputed  
14 information and to review all relevant information  
15 provided by the Consumer Reporting Agency. And, in  
16 this case, there is no allegation, there is no  
17 evidence that I can recall, of there being any  
18 mistake, any accident. This isn't a situation where  
19 somebody -- where Ms. Deaton just sort of fell through  
20 the cracks. I don't think there's any negligence on  
21 the part of the bank.

22 The evidence, I feel, establishes that it was  
23 willful. They decided they would add on these  
24 requirements to the law as they testified. Apparently  
25 that was deliberate. It was intentional. It was by